IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our respective names.

We believe that we are the original, first and joint inventors of the subject matter that is described and claimed in Patent No. 5,946,380, issued on August 31, 1999, entitled **Communications System and Method with Call Expenditure Control**, the application for which was filed on November 6, 1997 as application Serial No. 08/965,521 (Henceforth, "our patent").

We hereby offer to surrender our patent, and solicit in its place a reissue patent for the invention, which is described and claimed in the attached reissue application and preliminary amendment.

We verily believe our patent to be partly inoperative by reason of us claiming less than we had the right to claim. Specifically, independent claim 17 refers to a "budgeted calling time and amount," but the invention is believed to be broader in that it encompasses a prepayment for communication service. Claim 17 also specifies a voice response unit, but the invention is believed to be broader in that it encompasses any means for signaling a user that the prepayment is being exhausted and the user can choose some action to be taken when the prepayment is exhausted. Independent claim 1 has similar unnecessary limitations and, additionally, refers to a "telephone line," but the invention is believed to be broader in that it encompasses other communication channels. Independent claim 13 has unnecessary limitations similar to claim 1.

The error arose during the preparation of the application for the original patent, and without deceptive intent on our part. More specifically, the error arose because, in preparing the patent application, we, and the attorneys who helped us, focused on the illustrative examples that we disclosed, and somehow failed to step back, just prior to filing the application, to sufficiently and critically evaluate the claims relative to what we believed our invention to be, rather than relative to the specific illustrative examples that were presented.

The fact that an error possibly has occurred in the formulation of our patent first came to the attention of inventor Steve L. Cohen on Monday, August 27, 2001, when attorney Henry T. Brendzel called inventor Cohen. Mr. Brendzel explained that Mr. Dworetsky, a General Attorney at AT&T (AT&T being the assignee of the entire interest in our patent), engaged Mr. Brendzel to evaluate whether an error has occurred in the claims of our invention. As explained by Mr. Brendzel, Mr. Dworetsky came to suspect the error in the formulation of our patent as part of a general, ongoing, review of patents issued to AT&T. After considering the issue, Mr. Brendzel concluded that our patent is inoperative by reason of the patentees claiming less than they had the right to claim in the original patent, so informed AT&T, and was directed to contact inventor Cohen and prepare the instant reissue application.

Our patent is not presently involved in litigation.

We hereby state that we have reviewed and understand the contents of the above-identified specification and preliminary amendment.

We acknowledge the duty to disclose information that is material to the examination of the application, in accordance with Title 37 of the Code of Federal Regulations, section 1.56(a).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Samuel H. Dworetsky	(Reg. No. 27873)	Thomas A. Restaino	(Reg. No. 33444)
Michele L. Conover	(Reg. No. 34962)	Cedric G. DeLaCruz	(Reg. No. 36498)
Rohini K. Garg	(Reg. No. 45272)	Thomas M. Isaacson	(Reg. No. 44166)
Benjamin S. Lee	(Reg. No. 42787)	Robert B. Levy	(Reg. No. 28234)
Susan E. McGahan	(Reg. No. 35948)	Gary H. Monka	(Reg. No. 35290)
Jeffrey M. Navon	(Reg. No. 32711)	Stephen K. Pentlicki	(Reg. No. 40125)
Alfred G. Steinmetz	(Reg. No. 22971)		

We also appoint the following as associate attorney(s), with full power to prosecute said application, to make alternations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith:

Henry T. Brendzel   (Reg. No. 26,844)

Please address all correspondence to Henry T. Brendzel, P.O. Box 574, Springfield, NJ 07081. Telephone calls should be made to Henry T. Brendzel at (973) 467-2025.

Full name of joint inventor: Steve L. Cohen

Inventor's signature _____ Date _____
Residence:
Citizenship:
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Full name of joint inventor: Michael Davitt

Inventor's signature _____ Date _____
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Full name of joint inventor: Alan B. Moshinsky

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Full name of joint inventor: Kathleen T. Quinn

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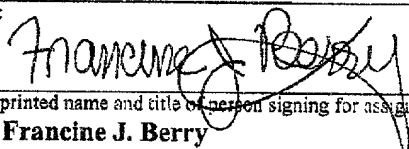

Full name of joint inventor: Usha Rao

Inventor's signature _____ Date _____
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REISSUE APPLICATION: CONSENT OF ASSIGNEE & STATEMENT UNDER 37 CFR 3.73(b)	Docket Number Cohen 380

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s)	Steve L. Cohen Michael Davitt Leonard Matulewski Alan B. Moshinsky Kathleen T. Quinn Usha Rao

Patent Number: **5,946,380**	Issue Date: **August 31, 1999**

Title of Invention: **Communications System and Method with Call Expenditure Control**

☒ Filed herein is a statement under 37 CFR 3.73(b)

☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of the boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are **AT&T Corp.,** and the assignee(s) consents to the accompanying application for reissue.

Name of Assignee: **AT&T Corp.**

37 CFR 3.73(b) Statement: Title is in the above-identified Assignee, as evidenced by PTO Assignment Records, specifically, **Reel 8808, Frame 109, et seq.**

Signature:	Date 8/29/01
Typed or printed name and title of person signing for assignee: **Francine J. Berry Vice President – Law AT&T Corp.**	